

Meeting Minutes November 3, 2005

Town of Los Altos Hills City Council Regular Meeting

Thursday, November 3, 2005 6:00 P.M.
Town Hall Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Kerr called the regular meeting to order at 6:02 p.m. in Council Chambers at Town Hall.

Present: Mayor Breene Kerr, Mayor Pro Tem Dean Warshawsky, Councilmember Craig A. T. Jones, Councilmember Jean Mordo and Councilmember Mike O'Malley

Absent: None

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, Administrative Services Director Sarah Ragsdale, Director of Public Works/City Engineer Henry Louie, Senior Planner Debbie Pedro, Assistant Planner Brian Froelich and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Mordo and passed unanimously to limit the length of time for public comments to three minutes.

2. APPOINTMENTS AND PRESENTATIONS

2.1 Appointment to Pathways Committee

Council had before them applications from candidates Courtenay Corrigan, Les Earnest and Michael Wagner. Council interviewed candidates Earnest and Wagner and reopened the interviews to accommodate Corrigan who arrived late. Courtenay Corrigan was elected by ballot vote to serve on the Pathways Committee for a term of four years.

2.2 Appointment(s) to the Environmental Design and Protection Committee

Council had before them applications for reappointment to the Standing Environmental Design and Protection Committee from candidates Sandy Humphries and Pat Ley. Council thanked them for their dedicated service on the Committee during the past four years.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to appoint Sandy Humphries and Pat Ley to the Environmental Design and Protection Committee for terms of four years.

3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported that the Commission had not met since the last Council meeting.

4. CONSENT CALENDAR

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Mordo and passed unanimously to approve the Consent Calendar, specifically:

- 4.1 Approval of Minutes: Regular City Council Meeting October 20, 2005
- 4.2 Review of Disbursements: 10/13/2005 – 10/27/2005 \$1,200.00
- 4.3 Approval of Public Facilities Fee Program Annual Report
Fiscal Year Ended June 30, 2005
- 4.4 Request from Santa Clara County Cities Association Regarding Streamlining
Cellular Tower Permitting throughout Santa Clara County
- 4.5 Award of Contract: Engineering Design Services for El Monte/Moody Road
Bicycle Lane and Pathway for Segment 1 and Segment 2 (Foothill College)
Resolutions 101-05 and 102-05

5. UNFINISHED BUSINESS

5.1 Town Goals

5.1.1 Implementation of Strategic Conservation Goals

Mayor Kerr reported this item had been addressed at the last Council meeting. He would keep the City Council apprised of any additional progress by the Committee on the strategic conservation goals.

5.1.2 Bringing Public Education Back to the Hills

Mayor Kerr advised that there was nothing new to report on the issue. Election for School Board members for the Los Altos School District and the Palo Alto Unified School District was scheduled for Tuesday, November 8, 2005.

5.2 Underground Project Status Report

City Engineer/Public Works Direct Henry Louie reported that staff was currently working with PG&E and engineering consultant Mark Thomas & Co. on the Underground Project. He expected that a confirmation date for the design work would be identified in the near future. Louie advised that the optimum start date for the project was June, 2006 with a more realistic target date of December 2006.

5.3 Update on General Plan Review

Councilmember O'Malley reported that the Ad-Hoc General Plan Committee was scheduled to meet November 9, 2005 to continue the review process.

5.4 Update on Year Round Riding Program Town Arena Facility at Westwind Barn (continued from 10/20/2005)

Mayor Pro Tem Warshawsky and Councilmember O'Malley recused themselves from consideration of this item (as noted in Agenda Item 11.2) and stepped down from the dais.

City Manager Maureen Cassingham summarized the item for Council. The item had been continued due to the late hour from the October 20, 2005. City Council meeting Council had before them an update prepared by staff on the Year Round Riding Program Town Arena project at Westwind Barn. The alternative approach to the approved project had been presented to the City Council by Councilmember O'Malley at the September 15, 2005 Council meeting. Specifically, he had proposed that the Town rent two stalls in Westwind Barn for the programs horses and build a separate arena next to the lower arena that would be dedicated for the use of the YRRP. This proposal would replace the Park Bond Act project that had been previously approved by Council and the State to construct four stalls and paddocks for the YRRP with the use of a shared arena.

Cassingham explained that the City Council had supported Councilmember O'Malley's alternative and directed staff to provide a more detailed report on the project including an estimate of cost for a covered arena. Subsequently, the City Manager had met with Dave Ross of Mark Thomas & Co. the Town's consulting engineers, to develop a project profile and related costs. She noted that Mr. Ross was particularly qualified to assist the Town on the project since he had significant experience with horse stables and arenas.

The update before Council included the approximate size of the arena (60 feet by 120 feet), estimated cost including engineering and inspection (under \$100,000), and suggested location (east of the existing large arena). Cost of covering the arena was estimated at an additional \$175,000.

Cassingham concluded that staff was seeking further direction from Council on how to proceed with the alternative concept. With Council's approval, staff would work with the State to recast the project for the Park Bond Act funds.

OPENED PUBLIC COMMENT

Valerie Metcalfe, Tripoli Court, Parks and Recreation Department Co-Chair, addressed Council. She believed that there was adequate demand for the YRRP to proceed with the proposal. The project would require State approval and Planning Commission review which would be an appropriate amount of time to gather input on the project from neighbors and the users of Westwind Barn and determine the demand for the Parks and Recreation Department's program. Metcalfe acknowledged that the current YRRP sessions were full with a waitlist. Metcalfe suggested that any delay with the project

could be detrimental especially if there was an increase in demand for the YRRP and no facility. She urged the Council to give staff direction to move forward on the project.

Harry Bahlman, Westwind Barn Facilities Director, supported the proposal.

John Harpootlian, Anacapa Drive, opposed the proposal. He suggested that the proposal was for upgrades/improvements on a piece of property (Westwind Barn) that the Town had no control over. Harpootlian offered that Council should resolve the issue of control before any funds were expended.

Elaine Nelson, Black Mountain Road, questioned how much money would be left in Park Bond Act funds after the expenditure on the project and if the proposed arena would be open to the public. City Manager Cassingham responded that \$229,000 would be available and that by necessity, the arena would be open to the YRRP which served the public and most likely would be available to the public when not subscribed.

Valerie Metcalfe, in response to Council's inquiry on the use of the existing arena, reviewed the arenas schedule noting the limitations on the schedule.

Kathy Evans, La Loma Drive, questioned if it would be possible to cover the proposed arena at a later date.

Peter Evans, La Loma Drive, supported the YRRP. He suggested that it was a great source of recreation for the Town and positive use of the limited Bond funds and encouraged Council to move forward.

CLOSED PUBLIC COMMENT

Council requested information on the potential of covering the Town's riding ring on Purissima Road. Staff responded that they would return to Council at a future date with the information.

Councilmember Jones noted that he concurred with the importance of oversight on the expenditure of Town funds. He was very supportive of the YRRP and the proposal before Council. Jones noted that the Town's recreational options included a horse facility, the Little League fields and Open Space. The horse facility had access to the Town's wonderful paths. In his opinion, the Town should use the recreational assets to their greatest potential. He supported the recommendation of staff as it pertained to the project adding, that he believed it was important to have adequate facilities to accommodate the YRRP.

Councilmember Jones explained that he had proposed consideration of a future agenda item that would evaluate strengthening the charter and membership of the Parks and Recreation Committee to provide an overall governance of the Town's recreational facilities and programs. He suggested postponement of agenda item 6.2 to be heard in context with his proposal at the next Council meeting. Jones noted that additional facilities were needed for other recreational programs including a natural soccer field and sports court.

Councilmember Mordo distributed a proposal to Council titled “Year Round Riding Program Structure”. Mordo offered that he supported the program but was in favor of continuing discussion of the project until the governance issues were resolved and the structure of the program was clarified. He reviewed his proposal with Council. Mordo stated that to the best of his knowledge there was no agreement that defined the responsibility of costs and definitive reporting procedures. He suggested that his proposal provided the basic fiduciary duty for the use of Town funds and facilities and when the number of participants reached a certain predetermined benchmark, then the Town should move forward with the construction of the third arena.

City Manager Maureen Cassingham explained that there was a current agreement in place with Jane Kawasaki for the lease of horses. The agreement template was in place and could be used by anyone who wished to lease horses to the Town for the program. It could be modified to reflect the program in its enhanced state. Cassingham added that there were draft numbers on the program that could be reviewed to see what the initial subsidy of the program would be. She noted that Ms. Kawasaki was shouldering most of the costs for the program during its infancy and development.

Mayor Kerr offered that he did not wish to delay the implementation of the program. He believed there was adequate time to set milestones.

Councilmember Jones concurred that he did not want to postpone the arena until the program reached a certain subscription level. He wanted to see the facility built. Jones suggested that the proposal before Council was consideration of a capital expenditure item for the construction of the arena. The program was administered by the Parks and Recreation Department. The contract for the horses, etc. was a totally different transaction than approval of the arena. He offered that the program could potentially be administered by a different person each year. The arena facility was for the benefit of the Town and should be available for the program and additional future programs.

Mayor Kerr advised that he would like the option of covering a ring at the Barn at a future date.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to approve the design phase of the proposed Year Round Riding Program Arena project (uncovered) at Westwind Barn, to be undertaken as a Town Capital Improvement. Mayor Pro Tem Warshawsky and Councilmember O’Malley recused themselves from consideration of this item and did not participate in the vote.

6. NEW BUSINESS

6.1 Review of City Council Holiday Meeting Schedule

The City Council reviewed their regularly scheduled meeting dates for November and December and agreed that the schedule was functional and they would not require any adjustments to accommodate the holiday schedule.

6.2 Proposed Evaluation of Westwind Barn

Continued to November 11, 2005 Regular City Council Meeting.

6.3 Proposal to Provide Consulting Services to Recover Tax Equity Allocation (TEA) Funds from Santa Clara County for the No/Low Property Tax Cities

City Manager Maureen Cassingham introduced this item to Council. Council had before them a proposal to provide consulting services to recover tax equity allocation (TEA) funds from Santa Clara County for No/Low Property Tax Cities. Cassingham provided a brief historical overview to Council on the history of the Town's designation as a "no/low property tax" city. She reviewed for Council the options that they had to recover the property taxes that included: efforts to legislatively eliminate the provision in the Tax Equity Allocation legislation at the County or State level or to move forward with the proposal from Greg Sellars or other qualified firms to recover the TEA funds. Cassingham noted that the four "no/low property tax" cities in Santa Clara were Saratoga, Cupertino, Monte Sereno and Los Altos Hills. Staff estimated that the shortfall of TEA funding cost the Town approximately \$225,000 per year and with the increase in property valuation over the last four years, the shortfall for fiscal year 2004/2005 would be approximately \$400,000.

Mayor Kerr reported that he had met with Mr. Sellars and the Mayors of the other "no/low tax" cities to discuss his proposal. He offered that this was not about raising taxes but the Town "getting it's fair share" of property tax revenues. Kerr acknowledged that the other cities had voted affirmatively to move forward with Mr. Sellars' proposal.

Council discussion ensued. Councilmember O'Malley noted that he had spoken with Saratoga's Mayor Kathleen King during his tenure as Mayor regarding the very lengthy process to recapture the funds. O'Malley suggested that it would be appropriate to join with the other cities and maintain a united front. Council reviewed the costs associated with Sellars proposal and determined that it was acceptable.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Mordo and passed unanimously to approve the proposal from Greg Sellars, Sellars Associates to recover TEA funds for West Valley cities as outlined in his memo dated October 20, 2005.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

7.1 Request for Approval of Revised Wildlife Survey – Open Space Committee

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Jones and passed unanimously to approve the revised Wildlife Survey as presented by the Open Space Committee.

7.2 Summer Camp and Recreation Programs Report – Parks and Recreation Committee

Continued to the November 17, 2005 City Council Meeting.

8. STAFF REPORTS

8.1 City Manager

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

Mayor Kerr announced that per Municipal Code Section 2-1.106: “no regular or special meeting shall extend after the hour of 11:00 p.m. without a majority vote of the Council.” Council consensus was to adjourn the meeting following the review of Agenda item 9.1 and Agenda item 5.4. and continue those items that had not been addressed to the next City Council regular meeting.

9. COUNCIL-INITIATED ITEMS

9.1 Status of New Sewer Agreement with the City of Los Altos and Proposed Letter to Los Altos Hills Property Owners with Excess Sewer Capacity

Councilmember O’Malley reported that City of Los Altos Councilmember Curtis Cole had advised him that they had received a presentation of the City of Los Altos’ Master Sewer Plan by their consultant. The plan had identified significant costs for improving the system and O’Malley believed that there would be expectations that the Town participate in the costs. It was his understanding that there would not be an issue with sewer capacity rights for Los Altos Hills. O’Malley noted that the Draft Master Sewer Agreement between the City of Los Altos and Town included the sixteen principles previously approved by the Council. O’Malley had been joined by City Manager Maureen Cassingham and Director of Public Works Henry Louie in the Sewer Agreement discussions with Los Altos

O’Malley suggested that if it was determined that the capacity rights were not available from Los Altos, the Town might consider sending a letter to residents who hold multiple connection rights to see if they would be interested in selling.

OPENED PUBLIC COMMENT

Rich Larsen, Berkshire Drive, unincorporated area within the Town’s Sphere of Interest explained that he was addressing Council on behalf of his West Loyola neighborhood. He thanked the Council and staff for their efforts on the new sewer agreement with Los Altos. He encouraged the Council to include in their discussions capacity rights for the residents in the unincorporated areas. Larsen suggested that the agreement include the Palo Alto treatment plant agreement for incremental capacity for the Los Altos Basin.

Public Works Director Henry Louie noted that the tentative agreement that had been suggested by the Palo Alto treatment plant had not been approved by the City of Palo Alto and was not included in the current negotiations.

Alan Epstein, Ravensbury Avenue, commented that it was important to bring the discussions with Los Altos to fruition. He thanked the Council for their efforts. Epstein offered that there were many residents in his area with failing septic systems and time was of the essence.

10. PRESENTATIONS FROM THE FLOOR

Toni Casey, Ravensbury Avenue, invited the Council to the Civic Associations Holiday party. She encouraged the Council to amend their current Newsletter policy to include review and approval by all Councilmembers.

Mark Breier, resident, suggested that all City Council email correspondence be included in staff reports. He noted that the Town Hall landscaping in the rear of the facility was not flourishing and should be reviewed. Brier added that he had requested that neighbors have an opportunity to discuss the operation of the “cow” antenna located at the Town Hall site before it was activated but his request had been denied.

Rebecca Hickman, Parks and Recreation Committee, spoke of her disappointment with the recent Hills 2000 misleading email mailing regarding the grant funds that had been approved and designated for the proposed Westwind Barn arena. She offered that it was important to clarify that the Park Bond money granted by the State to the Town’s Parks and Recreation Department was to improve infrastructure to support the Department’s related riding programs. She added that the grant process had been approved by Council and took approximately 18 months to complete. Hickman explained that a new proposal was currently under review and would follow the appropriate review process. She requested that Hills 2000 practice due diligence before they make assumptions.

Steve Hubbell, resident, stated he believed it was important for government to take into consideration the concerns of their neighbors regarding issues that directly affect them. He was concerned with the recent installation of the “cow” antenna at Town Hall.

Alan Bien, Canario Court, adjacent neighbor to Town Hall, voiced his concern about the “cow” antenna. He believed it was too large and too close to his property. He reported that the Town Hall lights were currently on all night.

Scott Overstreet, resident, questioned the status of SBC’s installation of town-wide DSL service. He suggested that the City Council apply pressure to SBC to resume their efforts on the cancelled project.

Rhonda Breier, resident, stated that the newly installed temporary cell tower at Town Hall was offensive, impacted her view, had a negative impact on her property value and had caused her son to be concerned about health risks.

Resident, voiced her concern about the recent report that Purissima Hills Water District would be adding chlorine to the water and asked for Council’s help in speaking to the District.

Milt McCall, W. Sunset Drive, stated that the cell phone coverage in Town was inadequate. He wanted to use his phone for emergencies.

Resident, Moody Road, requested identification of the areas being considered by Council for cell phone coverage. She voiced her concerns about safety, health issues and the negative impact on property values.

Steve Bristow, Hilltop Drive, commented that the cell phone coverage in Town was very poor. Bristow believed there was less health risk from radiation from the Tower than from holding the phone to your ear.

Jay Shideler, resident, supported the cell phone project and noted that projects could be designed to be aesthetically pleasing. He believed that the coverage in Los Altos Hills was inadequate. He encouraged the City Council to approve only those applications that included co-location of multiple providers.

Jim Abraham, resident, requested that the City Council extend his appeal of the Planning Commission's approval.

Council advised Mr. Abraham that his request would be agendaized for their consideration at the next scheduled City Council meeting.

Cathy Combs, Snell Court, applauded the City Council for their efforts to improve cell phone service in the Town.

Peter Evans, resident, offered that cell phone coverage was a basic infrastructure and encouraged the City Council to embrace a comprehensive approach of 100% coverage of the Town.

Toni Casey, Ravensbury Avenue, commented that it was important for approved cell towers to accommodate multiple providers.

11. PUBLIC HEARINGS

11.1 Status of Wireless Communications Infrastructure Planning and Improvements

Carl Cahill introduced this item to Council. He provided an overview of the efforts of Council and staff to improve cell phone coverage for the Town. Cahill commented that everyone was in general agreement that wireless coverage needed improvement, but the subject was controversial with aesthetic and public health issues often cited. Cahill presented a map developed by the Engineering Department that identified the Town's current existing wireless communications facilities, town owned properties, other public or quasi-public facilities and residential properties of more than ten acres. Most of the existing cell facilities were along the I-280 corridor. Cahill reported that the Town had recently received several new proposals from vendors for sites away from I-280 including the Westwind Barn application that would be considered by Council subsequent to this hearing.

Cahill reviewed the Town's recently updated Wireless Communications Policy with Council and referenced their direction to mail a town-wide notice to residents inviting

them to attend the hearing and share their comments with the City Council on this important issue. Numerous emails on the subject had been received at Town Hall.

Cahill noted that representatives from Cingular, Verizon and T-Mobile were present and available to answer questions.

Cahill displayed several slides that were representative of the types of wireless facilities that were being used in other jurisdictions, including: the tree pole at the Palo Alto Mayfield Fire Station, tree pole at the Mountain View Buddhist Temple and the tree pole at the Achievekids School in Palo Alto.

Cahill introduced Bill Hammet, Professional Engineer, to address radiation exposure issues. Hammet advised that his firm regularly calculated and measured RF (radio frequency) exposure conditions for radio and television stations, wireless carriers, municipalities and landlords. He explained that as engineers, their role was to assess the exposure conditions and how they compared to the standards. Hammet reviewed the process that was used to review a proposal similar to those that would be submitted to Los Altos Hills and extrapolate the potential exposure. A similar process could be used on existing sites to determine the actual exposure. Hammet noted that the FCC standards were very prudent.

Mayor Pro Tem Warshawsky asked if there was any concrete evidence that cell towers were harmful and the cause of specific health issues.

Hammet offered that there were many people researching and investigating this issue. He deemed most studies were speculative. Findings would required replication to support scientific validity. To date, there had been no verifiable reports of injury to humans from exposure levels equal to the standard or below.

Council discussion ensued. Council thanked the residents for their thoughtful emails and comments on the topic. Council discussed their efforts to facilitate better cell phone coverage for the Town. They acknowledged that the issue was very complicated. The Town's topography was challenging, the application and review process very lengthy for vendors and the towers very costly.

OPENED PUBLIC HEARING

Peter Evans, resident, lobbied for Town wide cell phone coverage. He suggested that the trade off of aesthetics for improved coverage was appropriate.

Toni Casey, Ravensbury Avenue, asked Council to remember the southern part of Town when planning for cell phone coverage.

Jim Abraham, resident, suggested that an integrated plan for the Town was the correct approach for coverage.

Resident, Duval Way, explained that his residence was close to numerous antennas. He questioned who would be the beneficiaries of new towers.

Sandy Humphries, Fremont Avenue, commented that the Environmental Design and Protection Committee had historically supported the monopole as the best aesthetic option for a cell tower because it “disappeared” from the vista if painted property.

Scott Overstreet, resident, agreed with the approach suggested by Jim Abraham for an integrated plan. He suggested Council consider hiring a consultant to develop a plan for Town wide coverage.

Steve Bristow, resident, suggested that the vendors consider contacting private property owners to gauge their interest in locating a tower on their property. This would provide more options for cell sites.

Steve Kirsch, resident, encouraged the Council to take advantage of the carriers recent interest in improving service to the community. He suggested that private property owners and wireless facilities would be a “good fit.” Kirsch believed taller towers would be the most advantageous regarding safety issues and better for multiple providers.

Dru Anderson, Emergency Communications Committee Chair, supported the City Council moving forward with a proactive wireless policy. She suggested that they think of the system for the Town as a whole with land lines, cell facilities and ham radios. She noted that when disasters occurred, the radios were usually the first line of defense and reminded Council that it was important to have an antenna in place that supported the ham radios.

John Craig, Cortez Lane, concurred that the issue was complicated. He suggested that the topography required an integrated approach that looked at all issues. He noted that technology was rapidly changing and questioned what would be available in the near future that might not require a tower.

Nick Dunkel, resident, commented that cell towers were dinosaurs and the technology was changing. He suggested that small sites would be more attractive and that an integrated plan with only one provider might be a better solution.

Resident, Manuella, commented that he would be open to having a cell tower on his property. He had a flagpole tower on his restaurant and noted that the rental income was a positive benefit.

Tony Kim, Cingular Wireless, thanked the Council and staff for their assistance in deploying the “cow” demonstration tower. Historically, tower sites have been situated along I-280 and clustered. Kim described the challenging land use process in a predominately residential area like the Town. He was pleased to have the opportunity to work with Town staff on a comprehensive plan for facility sites. Kim noted that Cingular Wireless was sensitive to health concerns and aesthetics and looked at each site on a case by case basis.

In response to questions posed by the public, Kim offered that micro-cells had a very limited range of coverage and minimal capacity. He added that cell towers were not

dinosaurs. He suggested that with the current level of cell phone use and the perception that cell phones were a necessity, larger towers would be required to handle the increased capacity of users. Cingular had identified their coverage gaps and were looking to identify good candidates for sites that would improve service to a reasonable coverage.

Jason Smith, Verizon RF Engineer, introduced himself to Council. His project at Westwind Barn would be considered by Council as the next agenda item. Smith explained that the micro cells had a limited range of approximately one city block and required location on utility poles.

Rod Delarosa, T-Mobile, addressed Council. He represented the advance planning group for the provider and was looking forward to working with the Town.

Barry Smith, resident, commented that cell service was mediocre because the residents were "bad customers". He suggested that the providers publish what their coverage areas were so the residents could be more proactive in selecting their carrier.

Jack Hubbell, Liddicoat Circle, found it remarkable that he could call Europe and Asia on his cell phone from work but could not call his home in Los Altos Hills.

Kathy Evans, La Loma, suggested that there was a water tower on La Loma that might be a good candidate for an antenna.

CLOSED PUBLIC HEARING

Council discussion ensued. Council concurred that the majority of Los Altos Hills residents supported improved cell phone coverage in Town as represented in comments from tonight's meeting and the numerous emails they had received on the subject. It was acknowledged that the Town wanted to move forward with an integrated plan for coverage and work with the providers to find acceptable sites. Council favored disguised towers that would support the co-location of vendors.

Council thanked the carriers and public for their participation in the dialogue.

- 11.2 A Request for a Site Development Permit, Conditional Use Permit for a Wireless Communications Facility and Setback Variance to Allow an Equipment Shed to Encroach within the Side Yard Setback; Lands of Los Altos Hills (Westwind Barn); 27210 Altamont Road; File #177-ZP-SD-CUP-VAR

Mayor Pro Tem Warshawsky recused himself from consideration of this item and stepped down from the dais due to a potential conflict of interest. His residence was within 500 feet of the application.

Councilmember O'Malley recused himself from consideration of this item and stepped down from the dais citing his belief that it was critical for elected officials to avoid any appearance of a conflict of interest explaining that he had served as the Council liaison to Westwind Barn, participated in the lease negotiations as the Council representative and his wife currently served as President of the Friends of Westwind Board. O'Malley

added that he had not garnered any financial gain from Westwind. O'Malley offered that he would recuse himself from all future applications or discussions that affected Westwind Barn

Planning Director Carl Cahill introduced Assistant Planner Brian Froelich. Froelich summarized his staff report for Council. The proposal before Council was a request for a Site Development Permit from Verizon Wireless for a 65 foot tower to be located at Westwind Barn. The application included a setback variance to allow for the equipment shed to encroach within the side yard setback. The Planning Commission had reviewed the proposal at their October 13, 2005 regular meeting and had forwarded a recommendation of approval to Council.

Froelich presented a PowerPoint Presentation to Council that included a site plan with the location of the proposed shed, location of the proposed pole as it related to the Barn and Byrne Preserve and photo simulations of the two pole designs; slim-line and mono-pine poles. The Planning Commission had recommended the slim-line monopole because it would have less bulk and allow greater possibilities for co-location. The Commission had also required two additional conditions of approval specified as # 9 and #10 in the staff report. Froelich reviewed the new conditions with Council that included: the applicant providing Westwind Barn access and storage space in the proposed equipment shed and the applicant working with the Emergency Communications Committee to determine the potential co-location of a CERT antenna on the pole.

Froelich explained that the environmental concerns had been addressed in an Initial Study filed with Santa Clara County for a 20 day public review period. Visual impacts had been mitigated through the design of the pole and the equipment shelter. A Negative Declaration had been prepared for review and adoption by the City Council and was included in the staff report.

Mayor Kerr offered that after visiting the site he had questions about the potential interference created by the equipment shed location for large truck access to the road and turn around space. Cahill responded that the issue could be resolved by relocation of the communications equipment and a redesign of the storage shed. The storage shed did not have to be built to support the proposal but had been offered by Verizon to help out Westwind Barn operations.

Councilmember Mordo reported that he had visited the site and had an alternate proposal for the location of the shed that was preferred by Friends of Westwind and the users. He suggested that the building be elongated and located next to the fence. He believed that the location could be administratively approved. Cahill concurred and noted that a mutually acceptable site for the shed could be determined by Verizon, the Town and Friends of Westwind. Mordo suggested that another location for the pole should be considered by Council. He was concerned that construction of the antenna pole would damage the existing trees. Cahill explained that the relocation of the pole into the setback would require a variance.

Jason Smith, Verizon, addressed Council. He was enthusiastic that the residents had expressed interest in improving their cell coverage. Smith explained that the storage shed had been designed to be architecturally similar to the barn and located at the rear of the

Barn for minimal visual impact. He discussed the co-location possibilities with the different poles. Both scenarios could support other carriers and the Town's emergency antenna.

Russ Benson, Verizon engineer, addressed Council. He displayed a representative slide of the cell coverage in the vicinity. Coverage ranged from none to good. The second slide was representative of the cell coverage following the installation of the proposed tower. The cell coverage was improved for approximately 1 mile. Benson identified the three additional sites that would improve the overall coverage of Los Altos Hills. He noted that because of the topography, the coverage would never be 100% but with additional towers it would be greatly improved.

Councilmember Jones requested a typical timeline scenario from Jason Smith for the installation of a new tower. Smith explained the process that included: the company issuing a "search ring" to the "reconnaissance" team of a potential area that would benefit coverage; exploration of the area for potential candidates; lease negotiations (two to four months); permit process including appropriate hearings and filings (three months); and, building permit application and issuance (two months). Smith noted that from the initial reconnaissance to going live on site generally took one year.

OPENED PUBLIC HEARING

Jim Abraham, resident, commented that he was in favor of the project. He added that Verizon had been very generous in offering a location for the Emergency Communications Committee's antenna. Abraham suggested two modifications to the conditions of approval. Regarding Condition of Approval #7, he would add the language: "The applicant will not cause radiation and frequencies allocated to primary or secondary amateur radio and may be required to correct any and all future interference problems experienced by other licensed services"; and Condition of Approval #10. "CERT" would be replaced with the "amateur radio emergency antenna."

City Attorney Steve Mattas requested that Mr. Abraham provide the applicant with the language of his requested modifications for their review.

Steve Jurvetson, Altamont Road, displayed overlays of the Verizon coverage map before and after the installation of the proposed tower. He suggested that very few residents would be beneficiaries of improved coverage and the primary improvement was at the Barn and Byrne Preserve. Jurvetson suggested that the Town consider a more unified/integrated approach to improving cell coverage for residents. He would prefer investigation of other more sites to improve the commute corridor and service to residents' homes rather than the large Open Space area at Westwind Barn and Byrne Preserve. Jurvetson supported better cell phone coverage but believed there were more appropriate sites.

Scott Overstreet, Encinal Court, opposed the proposed cell tower site at Westwind Barn. He supported a "master study" of tower locations before the Council approved applications for individual carriers.

Resident questioned if a taller tower would be more productive.

Russ Benson, Verizon RF Engineer, responded that a taller tower could potentially provide more coverage but the tower designed for the site was for coverage of the Westside of the Town. He explained that Verizon was not looking for a one tower solution to coverage for Los Altos Hills and in building towers they were always mindful of the potential for interference with towers in neighboring municipalities. Council questioned the possibility of extending the height of the tower in the future. Benson explained that the height of the mono-pole could be increased if another carrier wanted to co-locate on top. This would require approval of the Town. A mono pine-pole was more expensive to construct and could not be modified once constructed.

Nick Dunkel, Cortez Lane, spoke in opposition to the proposed cell tower. He displayed a slide of a photosimulation of the equipment shed and offered that it was unsightly and not appropriate for the pristine Open Space of Byrne Preserve. Dunkel displayed a cell coverage map and suggested that the proposal would only benefit 10% of the community.

Barry Smith, Estacada Drive, supported the Council's efforts to improve cell coverage but questioned whether the proposed site was the most desirable. He suggested that Verizon consider co-locating at an existing site.

John Craig, Cortez Lane, explained that he had supported the Open Space Initiative and efforts to beautify the Town by undergrounding utilities. He did not support putting a cell tower on the Town's "crown jewel" and suggested that it would have a negative impact on the vista. He questioned if the City Council had investigated other alternative sites. Craig believed that the Mitigated Negative Declaration could be challenged because of the Open Space area that was to be impacted.

Harry Bahlman, Central Drive, explained that he did not stable or ride his horses at Westwind Barn but was an active volunteer at the Barn. He supported improved cell coverage in Town and at the Barn but suggested that the Council take more time to review alternative sites and possibly underground the equipment shed. He expressed his concern that the tower and shed equipment could be too noisy for the riders.

John Harpootlian, Anacapa Drive, suggested that the public testimony that had been given on Item 11.1 supported a comprehensive plan. He offered that an Ad-Hoc Committee of residents be chartered to review site locations and receive community input on the subject.

Tony Jurvetson, Via Ventana, commented that he was a member of the Undergrounding Committee that had worked tirelessly to underground utilities near Westwind Barn. He believed it was not appropriate to erect an ugly structure where efforts were being undertaken to beautify the area.

June Conlon, Tripoli Court, concurred that the undergrounding of utilities was important. She lived across the street from Westwind Barn and requested that if the application were to be approved, the "tree tower" concept be the accepted proposal and not the mono-pole.

Kay Suzuki, Tripoli Court, offered that the Council needed to take into consideration the neighbors concerns. She reminded Council that Westwind Barn and Byrne Preserve were

gifts to the community and suggested that Council be respectful of what they approve for the Open Space area.

CLOSED PUBLIC HEARING

Russ Benson, Verizon RF Engineer, clarified that there was not another tower in the near vicinity that was available for co-location that would provide the improved coverage. Benson added that the residents would also be able to receive Wi-Fi as part of their cell phone service from Verizon.

Council questioned the necessity for the equipment shed and what provisions would be required for additional sheds or shared space in the proposed shed for co-locators.

Jason Smith, Verizon, explained that the original application had included an equipment shed of 17 feet by 17 feet. The Planning Commission had added a condition of approval to provide an additional 250 feet of storage space to be used by Westwind Barn. Smith explained that the shed could be constructed large enough to be shared by another carrier with a wall divider. He noted that the same room could not be shared. Verizon required a secured space for the expensive radio support equipment. Smith added that an emergency generator was not part of the application.

Councilmember Jones noted that improving cell phone coverage for the Town required a difficult balance of improving cell phone coverage along with protecting the neighbors and maintaining the beautiful assets of the Town. He offered that discussion of hiring a consultant or forming a committee to develop an integrated plan for the Town would be more appropriate for a future Council meeting. Jones added that no matter what approach the Council was to embrace, there would always be opposition to cell towers. He supported the tree version of the tower as more aesthetically pleasing and the original location as shown on the site plan.

Councilmember Mordo commented that he supported the concept of forming a committee or hiring a consultant to assist with future plans for cell phone coverage for the Town. However, he did not want to impede the momentum that the Town was currently seeing with recent applications and support from carriers. This had taken great effort and time from both Council and staff. Mordo supported the project as presented with the fake tree (mono-pine pole). He suggested that efforts should be made to redesign the shed with a lower profile and to explore the possibility of the shed being designed to accommodate future additions. Mordo wanted the equipment shed to be as unobtrusive as possible.

Mayor Kerr commented that he supported approval of the application with the mono-pine pole option. It had a functional height and was aesthetically compatible with the Barn.

Planning Director Carl Cahill explained that with Council's clear direction that the design of the equipment shed be low profile, unified for more than one carrier; and in a location that did not interfere with the movement of traffic (trucks) at the Barn, staff could administratively review and approve the site plan. The review process would include input from the applicant, Westwind Barn Facilities Manager and staff.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed by the following roll call vote to approve the request for a site development permit, conditional use permit and variance for the equipment shed to encroach within the side yard setback and to adopt the Mitigated Negative Declaration.

AYES: Mayor Kerr, Councilmember Jones, Councilmember Mordo
NOES: None
ABSENT: None
ABSTAIN: Mayor Pro Tem Warshawsky, Councilmember O'Malley

COUNCIL RECESSED 9:50 p.m.

COUNCIL RECONVENED TO OPEN SESSION 10:05 P.M.

11.3 Consideration of Revised Sewer Connection Fee Schedule

Public Works Director/City Engineer Henry Louie introduced this item to Council. Louie explained that a Sewer Connection Fee Study had been completed by Town staff to ensure that the proposed sewer connection fee was set at the appropriate level, prepared in a fair and equitable manner and keeping with the current law (attachment to staff report). The sewer connection fees were a one-time fee paid by those wishing to connect a new facility to the public sewer system. The Town's sewer connection fee was established in 1970, and to date, only those new users residing in the Palo Alto Basin had paid the connection fee which currently was \$875. No fees had been collected from new users connecting to the Los Altos Basin. Based on updated construction costs from the Town's Master Sewer Study and comparisons with other agencies, staff was recommending that the Town's sewer connection fee for a residential unit with sixty (60) fixture units or less be revised to \$7,950 for both basins. Louie added that these fees appeared to be adequate to cover the cost of improvements to serve future customer demands. Staff was recommending that the sewer connection fee be increased effective December 1, 2005 and be reviewed annually.

Council reviewed the Sewer Connection Fee Study with Louie and what the fee would encompass. Louie explained the process that was used to establish the fee. Council noted that in prior years the connection fee had been minimal in the Palo Alto Basin and no fee was collected in the Los Altos Basin.

City Manager Cassingham concurred and explained that one of Public Works Director Henry Louie's expertise was sewers and since joining the staff he had focused on the Town's system and found that the Town had not collected fees in one basin and not increased fees in the other for approximately twenty (20) years. The collected fees would be used to build up reserves in the sewer fund to potentially build out the sewer system and make improvements for future users. Louie had also revised the Sewer Use Ordinance that had recently been adopted by Council.

Councilmember O'Malley suggested that he would like to defer setting the fee for connections within the Los Altos Basin until the Town's negotiations with the City of Los Altos were completed for the Sewer Agreement and the Town had a better understanding of what the cost of capacity rights to the Basin would be. Council concurred.

OPENED PUBLIC HEARING

Alan Epstein, Ravensbury Avenue, commented that the Town had historically embraced the philosophy that sewers were built by residents. He questioned how the fees would affect sewer reimbursement agreements. Epstein thought it was ironic that the Town would set fees for connections that were not available. He disputed the findings of the sewer study.

John Harpootlian, Anacapa Drive, spoke to the problem of new users adding on to the existing sewer lines. He suggested that the Town experienced real costs and issues with additional capacity to the sewers.

Rich Larsen, Berkshire, unincorporated area within the Town's Sphere of Influence, requested a clarification on what the fee was for. Public Works Director Henry Louie responded that it was for the right to use the Town's sewer system.

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to approve Resolution 103-05 as amended to adopt a revised connection fee schedule for the Palo Alto Sewer Basin to be effective on December 1, 2005.

11.4 Annual Review and Approval of Revised Schedule of Fees, Deposits, Charges for Services and Other Assessments

Administrative Service Director Sarah Ragsdale introduced this item to Council. She explained that Council had before them a request to review and adopt the proposed annual CPI increase of the Town's fee schedule. The increase for 2006 was 2.3%. Attachment 2 of the staff report before Council included a comparison of the current and proposed fees. Ragsdale noted that the proposed fees did include the sewer connection fee for the Los Altos Basin that had been deferred by Council during their review of Agenda Item 11.3. The resolution, if approved, would be amended to exclude the fee.

Ragsdale provided an historical overview of the process that had been recommended by Matrix Consulting Group. Implementation of the recommendations called for an annual review of fees and that they be set at a rate that would fully recover costs for planning and building services.

Council briefly discussed the proposed schedule noting that the Town was only charging what was a reasonable cost for services. Ragsdale, in response to a Council question, explained that the revenues from fees were estimates and variable depending on activity; i.e. building and planning.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to adopt Resolution No. 104-05 to adopt a revised fee schedule as amended to exclude all reference to the Los Altos Sewer Basin to be effective on January 2, 2006.

12. CLOSED SESSION

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION: Government Code Section 54956.9(a): Campbell and Ligeti v. Town of Los Altos Hills

Item continued to 11/17/05 City Council meeting.

CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: APN 182-52-009

Agency Negotiators: Craig Jones and Steve Mattas

Negotiating Parties: None

Under Negotiation: Price and Terms of Payment

Item continued to 11/17/05 City Council meeting.

13. ADJOURNMENT

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Jones and passed unanimously to adjourn the City Council Meeting at 11:40 p.m. and continue all agenda items that had not been addressed to the November 17, 2005 Regular City Council Meeting.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the November 3, 2005 Regular City Council Meeting were approved as corrected at the November 17, 2005 Regular City Council Meeting.